

UTAH AIR QUALITY BOARD MEETING
June 15, 2006

DRAFT MINUTES

I. Call to Order

John Veranth called the meeting to order at 1:34 p.m.

Board members present:

Ernest Wessman	Dianne Nielson	Don Sorensen	Jerry Grover
Jim Horrocks	John Veranth	Nan Bunker	JoAnn Seghini
Stead Burwell	Scott Lawson via phone		

Executive Secretary: Richard W. Sprott

II. Date of the Next Air Quality Board Meetings

July 12, 2006 is set as tentative date for the next Board meeting.

III. Approval of the Minutes for April 6, 2006 Board Meeting

- Mr. Horrocks made the motion to approve April's minutes. Ms. Bunker seconded and the Board approved unanimously.

IV. Election of New Chairman and Vice Chairman.

- Ms. Seghini proposed a resolution to recognize the outstanding service of John Vernath as the Air Quality Board Chairman. Ms. Bunker seconded and the Board approved unanimously.
- Ms. Bunker proposed a resolution to recognize the outstanding service of Ernest Wessman as the Air Quality Board Vice-Chairman. Mr. Burwell seconded and the Board approved unanimously.
- Mr. Horrocks made a motion for John Veranth to be elected for a second term as Chairman. Ms. Seghini seconded and the Board approved unanimously.
- Mr. Veranth made a motion for Ernest Wessman to be elected for a second term as Vice Chairman. Ms. Seghini seconded and the Board approved unanimously.

V. Final Adoption: Amend R307-210, Amend R307-210-1. Standards of Performance for New Stationary Sources (NSPS). Presented by Rusty Ruby.

Mr. Ruby stated that on April 6, 2006, the Air Quality Board proposed for comment amendments to R307-210-1, Standards of Performance for New Stationary Sources (NSPS). Changes in R307-210 were proposed for comment to update the incorporation of NSPS standards by reference in the rule and to excluded specific subparts of Part 60 that are incorporated in other rules. A public hearing was held on May 18, 2006. No oral or written comments were received about this proposal. Mr. Ruby then stated that the staff recommends that the Board adopt R307-210-1 as proposed at the April Board meeting.

- Mr. Wessman made a motion to adopt Amend R307-210, Amend R307-210-1; Standards of Performance for New Stationary Sources (NSPS). Ms. Bunker seconded. The Board approved unanimously.

VI. Propose for Public Comment: Amend R307-415-4(2), Operating Permits - Source Category Exemptions - Addition of Five Area Source Exemptions. Presented by Robert Grandy.

Mr. Grandy stated that on December 19, 2005, notice was published in the Federal Register (70 FR 75319) granting an exemption to certain area sources from Title V Operating Permit Programs. The exemptions were promulgated in each individual Part 63 Subpart. The area sources that were granted exemption are those subject to the following Federal requirements: 1. National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities (40 CFR Part 63, Subpart M); 2. National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 CFR Part 63, Subpart N); 3. Ethylene Oxide Emissions Standards for Sterilization Facilities (40 CFR Part 63, Subpart O); 4. National Emission Standards for Halogenated Solvent Cleaning (40 CFR Part 63, Subpart T); 5. National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production (40 CFR Part 63, Subpart RRR).

Mr. Grandy stated that the staff recommends that the revisions to R307-415-4 (2), be proposed for public comment.

- Mr. Wessman made a motion to Propose for Public Comment: Amend R307-415-4(2), Operating Permits - Source Category Exemptions - Addition of Five Area Source Exemptions. Ms. Bunker seconded. The Board approved unanimously.

**VII. Five Year Reviews: Presented by Jan Miller and Mat Carlile.
R307-101, General Requirements;
R307-110, General Requirements: State Implementation Plan; R307-401, Permits: Notice of Intent and Approval Order; R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);
R307-410 Permits: Emission Impact Analysis;
R307-210, Standards of Performance for New Stationary Sources (NSPS);
R307-223, Emission Standards: Existing Small Municipal Waste Combustors;
R307-801, Asbestos**

Mr. Carlile stated that all state agencies are required by the Utah Administrative Rulemaking Act to review each of their rules every five years. The responsibility to complete the review falls to the Air Quality Board.

Mr. Carlile stated that the staff recommends that the Board continue R307-101, R307-110, R307-210, R307-223, R304-401, R307-405, R307-410, and R307-801 by approving the forms to be filed with the Division of Administrative Rules.

- Ms. Bunker made a motion that the Board continue R307-101, R307-110, R307-210, R307-223, R304-401, R307-405, R307-410, and R307-801 by approving the forms to be filed with the Division of Administrative Rules. Mr. Horrocks seconded. The Board approved unanimously.

VIII. Final Adoption: Delete R307-413, Permits: Exemptions and Special Provisions; Amend R307-101-2, Definitions; and Amend R307-325, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions. Presented by Colleen Delaney and Jim Schubach.

Ms. Delaney stated that on March 8, 2006, the Air Quality Board proposed for public comment these three rules that were part of the New Source Review reform package. These rules already had been through the comment process with the other NSR rules, but, under Utah's rulemaking statute (Title 63, Chapter 46a), they were in danger of expiring before the new rules could be made effective, leaving a gap in coverage. A second public comment period was held April 1-May 2, 2006 and no comments were received.

Ms. Delaney stated that the staff recommends that R307-413, R307-101-2, and R307-325 be adopted as proposed.

- Mr. Wessman made a motion to adopt to delete R307-413, Permits: Exemptions and Special Provisions; Amend R307-101-2, Definitions; and Amend R307-325, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions. Ms. Seghini seconded. The Board approved unanimously.

IX. Final Adoption: Amendments to R307-801, Asbestos. Presented by Robert Ford.

Mr. Ford stated that on February 1, 2006, the Board proposed for public comment amendments to R307-801 that allow contractors that remove asbestos from buildings to notify DAQ of their plans through an electronic notification system, as well as the current in-person and mailed system. A public hearing was held on March 23, 2006 and no comments were received. During the comment period, one written comment was received and the Division responded to that comment.

Mr. Ford stated that the staff recommends that the rule changes be adopted as they were proposed.

- Ms. Seghini made a motion to adopt Amendments to R307-801, Asbestos. Mr. Horrocks seconded. The Board approved unanimously.

X. In the Matter of Sevier Power Company Power Plant, DAQE-AN2529001-04: Presented by Fred Nelson.

On May 10, 2006 a hearing was held in Richfield, Utah at the request of Sevier County Citizens for Clean Air and Water. The purpose of the hearing was to determine if the Executive Secretary had appropriately evaluated the air pollution control equipment necessary to operate the plant according to state and federal air quality regulations. The proceeding was for the purpose of hearing the appeal by the Sevier Citizens of the issuance of the approval order dated October 12th, 2004, authorizing the construction and operation of the Sevier Power Company's, 270 megawatt coal fired power plant in Sigurd, Utah.

Mr. Veranth stated that he thought that the petitioner had not met the requirement to demonstrate through a preponderance of evidence that the Executive Secretary had failed to issue the approval order according to state rules. Therefore, he thought that the petition could not be granted. However, he was concerned that the statements in the proposed motion were too broad.

Mr. Grover stated that he would have liked more evidence put forward by the petitioners during the hearing.

Mr. Burwell asked if the Board should discuss integrated gasification combined cycle (IGCC) as the best available control technology (BACT). Mr. Veranth stated that the issue was not fully explored since it was not a balanced hearing, due to the citizen's limited expertise. Mr. Burwell stated that even if the petition was dismissed, isn't IGCC as BACT a relevant issue? Ms. Nielson asked if IGCC BACT was used as a type of control equipment or different process. She stated that she didn't hear any testimony that ICGG should be alternate technology. Ms. Nielson added that there may be other ways for the board to implement IGCC through rulemaking. Mr. Horrocks suggested that the DAQ staff to investigate new technology. Mr. Sprott stated that he would provide the Board with an outline for further informing the Board on IGCC at the next meeting.

Mr. Horrocks stated that Sevier County Citizens' (SCC) issues were valid, but reflected more of what they wished the law said, not what the law actually is. There was not enough evidence to support findings on IGCC as BACT. Ms. Bunker agreed with Mr. Horrocks.

Ms. Nielson stated she had not heard any legal and factual evidence or any compelling legal arguments.

- Ms. Horrocks made a motion that SCC failed to submit adequate evidence. DAQ did provide significant testimony to support the issuance of the approval order, therefore SCC's request should be denied. Ms. Seghini seconded. All voted in favor except Mr. Burwell who abstained.

Ms. Seghini applauded SCC and their determination to serve the citizens. She also stated that they have pointed this board into new directions.

XI. In the matter of Pine Factory – DAQC-1471-2005 – Decision on Recommendation of Hearing Officer: Presented by Ernest Wessman.

- Mr. Wessman made a motion to uphold the enforcement action. Ms. Seghini seconded. The Board approved unanimously.

XII. Informational Items

A. Compliance. Presented by Jeff Dean.

B. HAPS. Presented by Robert Ford.

C. Monitoring. Presented by Bob Dalley.

Meeting was adjourned at 2:47 p.m.